



City of Arts & Innovation

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: April 18, 2017**  
**FROM: CITY ATTORNEY      WARDS: ALL**  
**SUBJECT: OUTSIDE COUNSEL EXPENDITURE REPORT**

## **ISSUE:**

The issue for City Council consideration is the Outside Counsel Expenditure Report for the period of 7/1/2015 through 3/31/2017 as provided in the outside counsel policy approved by City Council on June 16, 2015.

## **RECOMMENDATIONS:**

That the City Council receives and files the attached report.

## **BACKGROUND:**

In the continuing effort of transparency and accountability, City Council approved the City Attorney's recommendation of quarterly reporting of the outside counsel expenditures. This report includes the current spending for the prior quarter and the cumulative spending from inception of the matter grouped by law firm name. All closed matters are highlighted and will not be included in the next report. It should be noted that bond counsel and contingency payments are not paid through the City's accounts payable division and therefore must be manually added to information derived from the City's accounting system. In the case of bond counsel payments, the payments are typically made directly by the bond trustee from bond proceeds. In the case of contingency payments, the payments are typically deducted from the funds received prior to deposit by the City.

## **FISCAL IMPACT:**

There is no fiscal impact at this time.

Prepared by: Gary G. Geuss  
City Attorney

*Attachment: Outside Counsel Expenditure Report*

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**OUTSIDE COUNSEL EXPENDITURE REPORT  
THROUGH MARCH 31, 2017**

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION	Funding Source	Authorized Spending Limit	EXPENDITURES		
					1/01/17 - 3/31/17	TOTAL AS OF 3/31/17	BALANCE
BAKER HOSTETTLER							
	<i>Cyber Security Breach</i>	Prevention/Advice	510	20,000	-	2,375	17,625
	<b>Subtotal</b>					<b>2,375</b>	
BEST BEST KRIEGER							
	<i>City HA v DOF</i>	*Note - HA allowance, costs split with several cities	280	37,388	2,987	31,888	5,500
	<i>City v Jurupa Valley</i>	(Vernola Apts) CEQA litigation	510	155,842		109,985	45,857
	<i>Fresh &amp; Easy</i>	Bankruptcy			-	-	
	<i>General Advice</i>	Miscellaneous	101	25,000		13,653	11,347
	<i>General Advice</i>	RPU	101	13,000		5,918	7,082
	<i>RTRP/CPUC</i>	Advice	510	16,455	157	2,002	14,453
	<i>SCE v. Mitsubishi Nuclear Energy Systems</i>	San Onofre decommissioning (SONGS)	510	721,693	887	644,008	77,685
	<b>Subtotal</b>				<b>4,031</b>	<b>807,454</b>	
BLAISDELL, CHURCH & JOHNSON							
	<i>Bond Counsel</i>	IPP Generation Plant	510	5,000		1,000	4,000
	<b>Subtotal</b>				-	<b>1,000</b>	
CHAPMAN AND CUTLER							
	<i>Bond Counsel*</i>						

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			Funding Source	Authorized Spending Limit	1/01/17 - 3/31/17	TOTAL AS OF 3/31/17
COLANTUONO HIGHSMITH & WHATLEY						
	<i>General matters</i>	Prop 218 and conflicts advice	520	40,400	-	36,704
	<i>General Advice</i>	CAO	101	15,000	-	6,899
	<i>General/RPU</i>	City land transactions	510	5,000	-	6,208
	<i>General/RPU**</i>	Electric & Water Cost Service Study	520	25,000	-	-
	<i>Trask v City</i>	Ballot initiative/appeal	101	99,000	1,727	88,046
	<i>Olquin v City</i>	Litigation re GFT	630	95,000	3,865	74,600
Subtotal					5,592	212,457
CONSTANTINE CANNON						
	<i>State of California et al. ex rel. [Under Seal] v [Under Seal]</i>	Litigation re wireless cell service/contingency		-		-
Subtotal						
COTCHETT PITRE & McCARTHY						
	<i>Bond Derivative Litigation</i>	Contingency*				
Subtotal						
GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT						
	<i>Wasden, David</i>	Construction project dispute	520	5,000		1,626
	<i>General advice</i>	Prequalification re PW Bid Docs	510	7,500	-	7,500
Subtotal						9,126

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						1/01/17 - 3/31/17	TOTAL AS OF 3/31/17	
	GREINES MARTIN STEIN & RICHLAND							
		<i>Dunbar, Ulrike v City**</i>	Wrongful death	630	183,775	26,860	144,791	38,984
		<i>Easley, Michael v. City**</i>	Federal civil rights action	630	112,695	12,515	53,191	59,504
		<i>Jean-Louis, Jean v City</i>	Federal civil rights action	630	46,180		8,702	37,478
		<i>Nichols, Raymond v City</i>	Federal civil rights action	630	66,962		34,037	32,925
	Subtotal					39,375	240,721	
	HAWKINS DELAFIELD & WOOD							
		<i>Bond Counsel*</i>						
	Subtotal							
	JONES HALL							
		<i>Bond Counsel</i>	SIFMA		40,000		-	40,000
	Subtotal							
	LEWIS BRISBOIS BISGAARD & SMITH							
		<i>Buckley, John v City</i>	Dangerous condition	630	209,515	148	94,803	114,712
		<i>Dunbar, Ulrike v City**</i>	Civil rights litigation	630	247,750	21,654	202,537	45,213
		<i>Easley, Michael v City**</i>	Civil rights litigation	630	341,500	1,235	282,003	59,497
	Subtotal					23,037	579,343	

# OUTSIDE COUNSEL EXPENDITURE REPORT THROUGH MARCH 31, 2017

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION	EXPENDITURES		BALANCE
			Funding Source	Authorized Spending Limit	
LIEBERT CASSIDY WHITMORE					
	Bonome, Jr., Camilo **	Petition re CCW denial	630	63,775	60,549
Subtotal				9,553	60,549
MANNING & KASS					
	Wells Fargo v. City - 1 and 2	Civil penalties on Tax Rolls Validity	630	26,577	8,886
	Wells Fargo v City	Civil penalties on Tax Rolls Validity	630	18,075	-
Subtotal				1,369	8,886
MILLER AXLINE & SAWYER					
	City v Black & Decker (U.S), Inc.	Perchlorate litigation/contingency*		-	-
Subtotal					

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THROUGH MARCH 31, 2017**

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION	EXPENDITURES			BALANCE
			Funding Source	Authorized Spending Limit	1/01/17 - 3/31/17	
SMITH LAW OFFICES						
	<i>Jean Louis, Jean v. City**</i>	Civil rights litigation	630	180,000	11,692	42,648
	<i>Lacson v City</i>	Labor/Employment Litigation	630	158,832	2,493	155,067
	<i>Luong, Jason v City</i>	Civil rights litigation (Federal)	630	114,510		63,622
	<i>Luong, Jason v City</i>	Civil rights litigation (State)	630	84,376		71,445
	<i>Nichols, Raymond v City</i>	Civil rights litigation (Federal)	630	81,956		44,185
	<i>Nichols, Raymond v City</i>	Civil rights litigation (State)	630	70,550		61,161
	<i>Nguyen v City</i>	Employment litigation	630	122,000	30,408	61,725
	<i>Roberts v City</i>	Employment litigation	630	180,000	11,715	153,712
<b>Subtotal</b>					<b>56,308</b>	<b>338,659</b>
SOHAGI LAW GROUP						
	<i>Ag Park</i>	CEQA	101	8,750	2,975	5,775
<b>Subtotal</b>					<b>2,975</b>	<b>2,975</b>
STRADLING YOCCA CARLSON & RAUTH						
	<i>Bond Counsel</i>	2011A Revenue Bonds		10,000		10,000
	<i>Bond Counsel</i>	Pension Obligation Bonds 2017		45,000		45,000
	<i>Bond Counsel</i>	2008A and C Revenue Bonds		30,000		30,000
<b>Subtotal</b>						
THINK LEGAL360						
	<i>Bobby Harris v City</i>	Employment Litigation	630	270,000	7,455	247,608
<b>Subtotal</b>					<b>7,455</b>	<b>22,392</b>
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			Funding Source	Authorized Spending Limit			
THOMPSON COBURN							
	FERC**	Regulatory	510	575,000	115,777	313,265	261,735
	LADWP Tramission Agreements	Potential Extension	510	25,000	1,402	15,991	9,009
Subtotal					117,179	329,256	
TOTAL					266,874	2,615,193	
LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION	EXPENDITURES		1/01/17 - 3/31/17	TOTAL AS OF 3/31/17	BALANCE
			Funding Source	Spending Limit			
Note: Plaintiff's Case - Outside Counsel Retained for Recovery							
BURKE WILLIAMS SORENSEN							
	City v. Jurupa/Rubidoux CSD, et al. **	Recovering contribution obligation for RWQCP project	550	3,076,487	110,926	2,433,345	643,142

*Please note:*

- (1) Some totals may include costs
- (2) Items shaded in blue are closed
- (3) \*Contingency bond counsel payments are per individual bond transactions or recovery received

\*\*Change order issued; amount increased